

REMARKS

Favorable reconsideration and allowance of the claims of the present application are respectfully requested.

In the Office Action dated October 18, 2006, Claims 1, 2, 4-7 and 9-11 are pending.

Claims 1, 2, 4-7 and 9-11 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,720,255 B1 to Faust et al. ("Faust et al.").

Applicants respectfully submit that Faust et al. is not a proper reference under 35 U.S.C. §102(e) and §103(a). In this regard, Applicants refer to the attached unexecuted §1.131 Declaration (including Exhibit A) that accompanies the submission of this Response.¹ In the attached §1.131 Declaration, the inventors attest that they have conceived and reduced to practice the invention, which is disclosed and claimed in the present application, prior to the effective filing date of Faust et al. (i.e., prior to December 12, 2002). Specifically, Applicants declare that they have conceived and reduced to practice a semiconductor structure such as, an interconnect structure that comprises one or more interconnect levels, one on top of each other, each level comprising an organo-silicate glass (OSG) dielectric material having a plasma treated surface layer that provides improved adhesion to an overlying lower hardmask, yet is substantially undamaged, as is recited in Claim 1 of the present application.

To evidence the conception and reduction to practice of the claimed structure, the §1.131 Declaration includes Exhibit A. Exhibit A is a true reprint in PDF format of IBM Invention Disclosure YOR820030277, which was created prior to December 12, 2002. Exhibit A includes a Main Idea section for the Invention Disclosure which describes the fabrication of a

¹ An executed copy of the §1.131 Declaration will be filed in due course.

semiconductor structure such as an interconnect structure that is recited in Claim 1 of the present application.

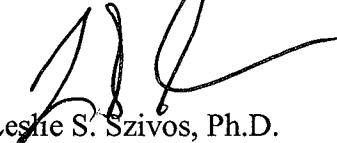
In view of the above together with the submission of the accompanying §1.131 Declaration, Applicants respectfully submit that the rejection of 1, 2, 4-7 and 9-11 under 35 U.S.C. §102(e) citing Faust et al. has been obviated and withdrawal thereof is respectfully requested.

Claims 5, 7 and 9 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Faust et al.

Claim 5 depends from Claim 4, which depends from Claim 1, and Claims 7 and 9 are dependent claims of Claim 1. Claim 5 incorporates all the elements and limitations of Claims 1 and 4; Claims 7 and 9 incorporate all the elements and limitations of Claim 1. The Examiner contends that the additional elements or limitations of Claims 5, 7 and 9 are either routine or known in Faust et al. However, as discussed above, Faust et al. is not a proper reference under 35 U.S.C. §102(e) for anticipating the rejected claims. Therefore, Faust et al. is not available as a proper reference under 35 U.S.C. §103 with respect to Claims 5, 7 and 9. Accordingly, a rejection of Claims 5, 7 and 9 under 35 U.S.C. §103 based on Faust et al. cannot sustain.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

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Enclosure (Unexecuted §1.131 Declaration & Exhibit A)